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**MINUTES OF THE ZONING BOARD**  
**REGULAR MEETING HELD MONDAY,**  
**MARCH 16, 2015, 7:00 P.M., 4<sup>TH</sup> FLOOR,**  
**CAFETERIA, GOVERNMENT CENTER BUILDING,**  
**888 WASHINGTON BLVD, STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Rosanne McManus, William Morris, Barry Michelson, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:07 pm.

**REGULAR MEETING**

**APPROVAL OF MINUTES:**

Minutes for Approval: March 9, 2015

Mr. Michelson and Mr. Stein submitted changes. Ms. McManus moved to approve the minutes as modified with the changes, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and McManus).

Ms. McManus made a motion to take the agenda out of order to discuss the Stamford Health Systems, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and McManus).

**OLD BUSINESS**

2. Stamford Health System, Inc. & The Stamford Hospital – use of Tandet Center second floor for classroom related instruction in connection with Sacred Heart University Physician Assistant Master Program (*administrative review*)

Attorney Lisa Feinberg presented the request to allow Sacred Heart University to establish a teaching program for a Masters in Physician Assistant Studies degree in the second floor of the Tandet Center. Mike Speronda, Stamford Hospital, confirmed this is the only classroom space at the hospital for this use.

Mr. Stein asked if this was a new or existing use. He feels it is not an existing use being moved to the Tandet Center and asked if it should go to a Public Hearing or does it set a precedent. He stated that new uses should not be handled administratively.

Ms. McManus asked for clarification of the off-site parking. Attorney Feinberg clarified this would be used only until the garage is built.

Mr. Michelson made a motion to approve the use of the facility for classroom purposes, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, Morris, Stein and McManus).

Mr. Mills returned to the regular order of the agenda.

1. Application 215-03, The Strand/BRC Group, LLC, requesting to amend GDP, Washington Boulevard (*discussion of draft scope of work/contract for Boatyard consultant*)

Mr. Cole distributed a summary of comments from the Planning Board, Stamford Harbor Management Commission and CT DEEP. He discussed his March 16, 2015 email to the Board. The memo reads as follows:

*The draft Scope of Services was circulated for review and comments received from the Planning Board, Harbor Management Commission, DEEP Office of Long Island Sound Programs, and from Barry Michelson. The circulated draft scope reads as follows:*

#### DRAFT SCOPE OF SERVICES

*B&A will review the applications to establish a boatyard/marina facility consisting of three components: 1) a maintenance/storage facility at Davenport Landing, 2) in-water slips at the 14 acre peninsula, and 3) boat storage at 205 Magee.*

*B&A will evaluate the following questions:*

1. *Does the proposed boatyard facility provide an appropriate level of service based on the submitted market study and needs analysis?*
2. *Is the proposed boatyard/marina facility pro-forma feasible and economically viable for the proposal, and what if any improvements are recommended?*

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*Comments received are summarized as follows:*

1. *Provide a comparison of the proposed capacities and services to those provided by the former BYHW.* (PB, HMC, DEEP, BM) BM added, "...and identify whether there is any reduction in capacity, facilities, uses or services or whether there is any adverse impact to a water-dependent use." DEEP added, "...to ensure that the same level and quality of marina and boatyard service will be maintained consistent with the CCMA policies that explicitly discourage diminution of existing water dependent uses and adverse impacts to future water-dependent development activities."
2. *Review the economic plan and financial terms of the proposed boatyard/marina to determine if it is economically viable.* (PB, HMC, DEEP, BM) PB added, "...and will remain so for a minimum of 25 years with at least two 10 year

*extensions.” HMC added, “...based on a review of detailed boatyard plans or financial viability study.”*

- 3. Assess whether the plan to transport and store boats at 205 Magee is functional and economically practical and a competitive boat storage method in the market area. (PB, DEEP)*
- 4. Perform a peer review of the Applicant’s market study and needs analysis of the potential of the former BYHW 14 acre site to support a water-dependent use under existing zoning. (HMC, BM)*
- 5. Assess the operational efficiency of the proposed boatyard/storage facility at the Davenport Landing property with respect to size and layout, with consideration of conflicts with vehicle and pedestrian traffic and adjacent retail, residential and industrial uses. (PB)*
- 6. Assess the feasibility of boatyard/marina composed of multiple locations that are not all waterfront or contiguous to each other compared to a complete boatyard/marina facility at one centralized waterfront location. (DEEP)*
- 7. Assess the economic viability of the proposed marina facilities at the former BYHW 14 acre site. (PB)*
- 8. Assess the term of the lease necessary to enhance the market value and viability of the boatyard/marina. (DEEP)*
- 9. Increase the market study/needs analysis to a 50 mile radius. (PB)*
- 10. The Scope of Services description of the proposal comprised of three components (maintenance/storage facility at Davenport Landing, in-water slips at the 14 acre peninsula, and boat storage at 205 Magee) has not been acknowledged by the Applicant. (HMC)*

Mr. Stein recommended the words “proforma” not be used.

Discussion by the Board of the Consultant’s agreement and members wanted to ensure the Consultant would review the Market Study by BLT. There was a question whether #4 was possible. After reviewing the rest of the scope, it was determined that the Consultant couldn’t evaluate the market potential for reuse of the 14-acre parcel since there is no proposal for use of the parcel currently.

The Board discussed the fact that the Applicant and Market Study needs to be completed before the Consultant’s review is completed. Mr. Cole asked that consideration be given to the market that was previously serviced.

#10 Stamford Harbor Management Commission is asking the Applicant to determine that the three properties are connected in a formal way and the Board agreed that, if the three properties are not connected, it is not worth having the Consultant study completed. Mr. Cole stated that BLT has to clarify how the various properties are managed; will it be 2 entities or 3? The Applicant needs to clarify how the applications are connected or, whether they are. Mr. Mills felt that the Consultant should be able to evaluate the proposed operator. The Consultant should define what qualities should be expected from the operator.

Mr. Mills asked at what point will the Market Study be prepared and how are the three applications connected? He said the Board can start without that information, negotiate the contract but there's a need to have the Applicant define when the Market Study will be available. Mr. Cole will assemble a re-write on his memo but there are some deficiencies in the Application before the City can proceed.

Mr. Michelson asked Mr. Cole to communicate and give a report on BLT's progress and the Consultant's study to the legal department (Attorney Minor).

Request by Board of Representative Virgil de la Cruz for a fuller definition of "off-site improvement".

### 3. Discussion of Medical Marijuana regulations

Board Member David Stein provided a history of the statute and the extensive State regulations published and reported on studies of communities that currently regulate medical marijuana. He reported on his phone call to the State Department of Consumer Protection that informed him of no problems or issues with current dispensaries.

The Board discussed various aspects on this topic and reviewed a draft regulation that reads as follows:

#### ***U - Medical Marijuana Dispensaries and Production Facilities***

***Purpose:*** *The Zoning Board acknowledges the enactment of Public Act #12-55 and adoption of regulations concerning the "Palliative Use of Marijuana". This Public Act and the associated regulations establish the local regulatory framework for the palliative use of marijuana pursuant to Chapter 420f of the Connecticut General Statutes. It helps to guide the appropriate location and operation of Medical Marijuana Dispensaries ("Dispensaries") and Production Facilities ("Facilities") in the City of Stamford. The purpose of this Section U is to minimize the impact of Dispensaries and Facilities on neighbors, while at the same time recognizing the essential services these Dispensaries and Facilities will provide to the citizens of Stamford.*

#### ***Standards:***

*Medical Marijuana Dispensaries are allowed only within certain commercial Zoning Districts, and Production Facilities are allowed only within certain manufacturing Zoning Districts, of the City of Stamford, as shown in Appendix A, Table II of these*

*Regulations. Such uses must comply with the requirements of the Zoning Regulations and meet the following additional standards:*

- 1. Medical Marijuana Dispensaries and Production Facilities must possess a current license from the State of Connecticut Department of Consumer Protection and comply with the Regulations of the State of Connecticut Department of Consumer Protection Concerning the Palliative Use of Marijuana, per the Connecticut General Statutes, Section 21a-408-1 to 21a-408-70, inclusive, as may be amended from time to time. Failure to maintain proper licenses shall be deemed an immediate violation of the City of Stamford Zoning Regulations.*
- 2. No Medical Marijuana Dispensaries shall be located within a 1,500 feet radius of any other Dispensary;*
- 3. Signage for Dispensaries and Facilities must comply with the following standards:*
  - a. Signage shall be limited to a single sign no larger than sixteen inches in height by eighteen inches in width;*
  - b. There shall be no illumination of a sign advertising a marijuana product at any time;*
  - c. There shall be no signage that advertises marijuana brand names or utilizes graphics related to marijuana or paraphernalia on the exterior of the Dispensary or Facility or the building in which the Dispensary or Facility is located;*
  - d. There shall be no display of marijuana or paraphernalia within the Dispensary or Facility which is clearly visible from the exterior of the Dispensary or Facility; and*
  - e. There shall be no signage which advertises the price of its marijuana.*
- 4. Parking shall be provided according to Section 12 of the Zoning Regulations, as follows:*
  - a. Dispensary shall meet the parking standard for Retail Store.*
  - b. A Facility shall meet the parking standards for Wholesale House or Industrial Plant*

Ms. McManus and Mr. Morris said they could work with it. Mr. Michelson said he'd prefer to see this use in a hospital district. Mr. Mills said he'd like to see the use treated as a special exception (not as of right) and he recommended that dispensaries not be allowed in manufacturing districts. Mr. Stein proposed the Board keep them as shown but as a special exception use.

The consensus of the Board was to agree with the draft provided, allowing all zones to require a special exception application.

## **ADJOURNMENT**

There being no further business, Mr. Mills adjourned the meeting at 9:50pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board